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To: Microsoft ATR
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Subject: Microsoft Settlement

I am sure you have heard all the arguments of what MS is doing wrong and what MS proponents are saying they should be left alone. But one argument that I see being avoided is what effect MS has on the "so called" independent marketplace. MS's position in the marketplace has been so dominant and their tactics so intimidating that the trade mags fear any negative reporting will cut them off from access to MS product information thereby destroying their very survivability.

Lets go all the way back to 1995 when Windows95 came out. PC Magazine did an exhaustive review in their December issue where they benchmarked and reported on 100+ machines. About 65 of these PC's arrived at the testing labs with the new W95 OS and the rest had the older W4WGs. The magazine went into paragraphs of detail how machines with this type of Hard Drive outperformed those with another type by 3 % and that those with this type of video chip outperformed the others by 5%, etc.

Yet, there was not a single mention that the machines the older W4WGs OS outperformed those with the new Windows 95 OS by 40 %. Three manufacturers (Gateway, Dell, Micron) submitted two almost identical machines. the ones with W4WGs outperformed those with Win95 by an average of 37 %. Now how could these authors make a big deal of the 3 and 5 % differences in hardware performance and fail to notice a 40 % difference in performance between two types of machines ? Why did PC magazine decide to place the tables containing the benchmarks of Win95 machines and W4WGs machines 100 pages apart ?

A year or so later, PC mag compared database programs with the two primary ones being Lotus Approach and MS Access. The Lotus product scored 11 Excellence and 1 Good in 12 categories; whereas Microsoft scored 7 Excellents and 5 Goods in the same 12 categories....they tied for Editor's choice ! 11 to 7 is a tie ? Why couldn't we get that last year when the Mets played the Yanks....think how good that would have been for NY ! Yanks and Mets tie for World Series title, Yanks winning 4 games to Mets 1.

As a business owner , using the MS operating system becomes more and more cumbersome and more and more of a threat to security. I own an engineering firm and do work for the government. I have serious concerns about the security of MS operating systems when they illegally bundle their other products in the OS. Internet Explorer and Outlook Express are NOT part of the operating system. I do not want them and the security risks they represent on my office machines. I do NOT want a MS passport, but the only way I can get MS tech support is to sign up for another venture that MS has invested in.

To thwart competition from DR DOS, MS sold OEM's DOS/Windows for \$29.95 whereas Windows only \$45. That's like me having a choice of taking a bus and train to work or and having to pay more for the train ride if I decided to skip the bus and walk to the train station.

The DOJ has got to stop this behavior and MS intimidation of the free press.

As a minimum, the DOJ should insist that:

1. No products for other MS marketing initiatives are installed by default with the OS. If they can include Accessibility Options (stuff for handicapped users) as an install "option", they should certainly be able to let Passport, MSIE, Outlook and all the other software bundled in XP as an "option".
2. MS should be forced to disclose and detail any "hooks" which it's MS Office and other programs use to interact with the OS.
3. The government must NOT become an accessory to the crime and accept MS's offer of establishing them in one of the few markets they don't control (schools). This penalty will make MS a ton of money when they are forced into the never ending MS Upgrade cycle. It would also squeeze out the companies that have been servicing this market before MS discovered them.
4. MS must not be able to disavow responsibility for their negligence. MS knew about the UnPnP security vulnerability before the OS was released but released it anyway, exposing millions of their customers to attack and financial loss for two months before they released a patch.....just so they could take advantage of the holiday buying season.

I am concerned about my liability and the damage that could result if a terrorist hacked into our network and downloaded plans say to a federal courthouse building that my firm designed. I have taken all plausible steps to secure this network environment but now MS left a known hole in the OS that I had no knowledge of, that they did have knowledge of but didn't tell me about even though it posed a real threat to my own network's as well as national security since they didn't tell millions of usres with possible access to sensitive information just so they could rake in more cash for the Xmas season.

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